Amendments to the Drawings:

The attached sheets of drawings include changes to **Figure 2**. The replacement sheet for Figure 2, includes **Figures 1-2** and replaces the original sheet including **Figures 1-2**. In **Figure 2**, the amendment clarifies the feature referenced by the reference number **200**.

Attachment: 1 Replacement Sheet (Figure 2)

                      1 Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Claims 1-20 are pending in the present application. Claims 1, 9, 11, 14, 16, and 18-20 have been amended. Reconsideration of the claims is respectfully requested. Amendments were made to the claims to correct antecedent basis problems found by Applicant's review of the claims. These amendments were not made in response to any rejection based on prior art and do not in any way change the scope of the claims. Amendments were made to the specification to correct errors and to clarify the specification. No new matter has been added by any of the amendments to the specification. In amended **Figure 2**, the content of reference numerals **200** has been amended consistent with the specification.

I   Interview Summary

Applicants thank Examiner Farhan Syed for the courtesies extended to Applicants' representatives during the April 12, 2006 telephone interview. During the interview, Applicants' representatives discussed the distinction between the claims and the Mullaney reference. No agreement was reached as to the allowability of the claims.

II   35 U.S.C. § 101

The Examiner has rejected claims 16-18 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

The Examiner has rejected this claim stating:

> Claims 16-18 are rejected under 35 U.S.C. 101 because the claimed is directed to non-statutory subject matter. The claimed invention does not procedure a useful, concrete, and tangible result. Claims 16-18 describes a computer program product in a computer readable medium for accessing a database. The claims describe a computer readable medium, where in the specifications, is a form of a signal bearing media using communication links such as a radio frequency and light wave transmissions. Such types of communication links are not patentable as they are a natural occurring phenomenon. Correction is required.

Office action dated February 24, 2006, pp. 3-4.

Section 101 of Title 35 U.S.C. sets forth the subject matter that can be patented:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

"[N]o patent is available for a discovery, however useful, novel, and nonobvious, unless it falls within one of the express categories of patentable subject matter of 35 U.S.C. § 101." *Kewanee Oil Co. v. Bicron Corp.*, 416 U.S. 470, 483, 181 USPQ 673,679 (1974). The statutory categories of § 101 define eligible (patentable or statutory) subject matter, i.e., subject matter that can be patented. The listed statutory categories of invention are "process, machine, manufacture, or composition of matter."

Claim 16 is representative of all claims in this group and recites:

> A computer program product in a computer readable medium for accessing a database containing text message for a plurality of cultural contexts, the computer program product comprising:
> first instructions for receiving a request from a client to set a cultural context from the plurality of cultural contexts for the database; and
> second instructions, responsive to receiving queries from the client, for processing the queries using the locale to select a text message in an appropriate cultural context without requiring the queries from the client to include the cultural context.

In the present case, claim 16 clearly and unquestionably recites a "product," an article of manufacture, embodied in a tangible computer usable medium, implementing the method of claim 1. Section 100(b) of Title 35 U.S.C. defines "process" to mean, "process, art or method, and includes a new use of a known process, machine, manufacture, composition of matter, or material." The definition of "process" to mean "process, art or method" makes it clear that the terms are synonymous. *See*, S. Rep. No. 1979, reprinted in 1952 U.S. Code Cong. & Admin. News at 2409-10. The Office cannot creatively redefine the claimed invention to be something other than what is explicitly recited in the claim for the sole purpose of rejecting the claim, and in this case, claim 1 recites a method. Therefore, the invention of claim 1 falls within the statutory categories of patentable subject matter because the claim recites a method. Therefore, claim 16 which claims a product implementing the method of claim 1 is also directed to statutory subject matter under 35 U.S.C. § 101.

Furthermore, the invention of claim 16 produces useful and tangible results with well-known practical applications in the pertinent industry. Claim 16 recites "second instructions, responsive to receiving queries from the client, for processing the queries using the locale to select a text message in an appropriate cultural context without requiring the queries from the client to include the cultural context." A query that uses the cultural context without including the cultural context is a less complex query.

> The present invention provides a method to support NLS by minimizing the number of explicit NLS conditions required on a given query or related queries; and by reducing the complexity of these queries for multiple languages or locales.

Specification, p. 5, ll. 12-16.

The fact that a less complex query executes faster than a more complex query is well known in the pertinent art of databases. Due to the well recognized importance of fast executing queries because they improve, among other things, the database performance, database technologies today incorporate a variety of techniques to reduce query complexity and increase speed of query execution. Therefore, the invention of claim 16, which teaches a less complex query, produces a useful result, quantifiable in the time saved in query execution, and tangible in the increased number of queries that can be processed because of the invention in the same amount of time.

Furthermore, the invention of claim 16 is patentable in view of new guidelines covering patentability of claims directed to a process in a computer readable medium. The USPTO Guideline for evaluating computer-readable medium encoded with functional descriptive material, such as a computer program, expressly states that a claim to such computer-readable medium when so encoded is statutory subject matter. USPTO, *Interim Guideline for Examination of Patent Application for Patent Subject Matter Eligibility* (26 Oct. 2005) (hereinafter "Guideline"). The Guideline provides, in relevant part:

> "[A] claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory."

Id., p. 52.

The Guideline further provides:

> Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in § 101.
> ...
> These interim guidelines propose that such signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of § 101. Public comment is sought for further evaluation of this question.

Id., pp. 55-56.

Claim 16 is directed to a computer program product in a computer readable medium. As the Guideline provides, "a computer readable medium with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized" is statutory. Because claim 16 recites a computer program product in a computer readable medium, along with the other recited steps, claim 16 does describe a data structure that defines structural and functional interrelationships between the data structure and the computer software and hardware components, which permit the data structure's functionality to

be realized. Thus, claim 16 is patentable subject mater under 35 U.S.C. § 101, as explained under the Guideline.

The claim recites a "computer readable medium" in which a signal is embedded. Claim 16 claims functional descriptive material encoded on a computer readable medium and does not claim signals encoded with functional descriptive material. For this additional reason, claim 16 falls under allowable statutory matter under 35 U.S.C. § 101.

Claim 16 comprises statutory subject matter because the claim is directed towards the medium, and not to the radio frequency or the light wave signals that may inherently be used in such media technologies. The use of radio frequency or light wave as a method of encoding or recording the computer program onto such medium does not render the medium itself nonstatutory. Even in case of a CD-ROM, a laser form of light wave is used for accomplishing the encoding/recording of the information onto the CD-ROM, yet the CD-ROM remains a well-accepted computer readable medium. Encoding the air or glass fiber medium with radio frequency or light wave similarly cannot render the air or glass fiber medium nonstatutory under § 101.

Thus, based on the MPEP and applicable case law, claim 16 is statutory under 35 U.S.C. § 101. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 16-18 under 35 U.S.C. § 101.

III 35 U.S.C. § 102, Anticipation

The examiner has rejected claims 1-3, 5-6, and 8-18 under 35 U.S.C. § 102 as being anticipated by *Mullaney*, Multilingual system locale configuration, United States Patent No. 5,917,484 (issued, June 29, 1999) (hereinafter, *"Mullaney"*). This rejection is respectfully traversed.

III.A As to Claims 1-3, 5-6, 8, 11-13, and 16-17

The Examiner has rejected claims 1-3, 5-6, 11-13, and 16-17 stating:

> As per claims 1, 11, and 16, Mullaney teaches a method in a data processing system for accessing a database containing text message for a plurality of cultural contexts, the method comprising (i.e. "Disclosed are computer implemented methods of configuring system locale in a computer system, and apparatus for implementing same. The methods comprise presenting a computer user with a multilingual, yet locale independent, language selection screen." The preceding text clearly indicates that the data processing system is the computer system and the plurality of cultural contexts is the multilingual language.)(Abstract): receiving a request from a client to set a cultural context from the plurality of cultural contexts for the database (i.e. "The language selection screen comprises a number of language options, one of which may be selected by the computer user."The preceding text clearly indicates that a computer user is the client, the request is the user selecting an option, and the plurality of cultural contexts is the number of language options.)(column 2, lines

21-23); and responsive to receiving queries from the client, processing the queries using the locale to select a text message in an appropriate cultural context without requiring the queries from the client to include the cultural context (i.e. "A list of language databases residing on a computer system may be generated by querying the system. "The preceding text clearly indicates that a user submits a query request to the system to generate a list of language database, in which the list is the result of the processing of the query. Querying the system takes place while the fixed condition is in effect.)(column 6, lines 13-15).

Office action dated February 24, 2006, pp. 4-5.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case, each and every feature of the presently claimed invention is not identically shown in the cited reference, arranged as they are in the claims.

The arguments advanced below as applied to claim 1, are similarly applicable to the other claims in this group of claims 1-3, 5-6, 8, 11-13, and 16-17. Applicants distinguish the reference from claim 1, which recites:

> A method in a data processing system for accessing a database containing text message for a plurality of cultural contexts, the method comprising:
> receiving a request from a client to set a cultural context from the plurality of cultural contexts for the database; and
> responsive to receiving queries from the client, processing the queries using the locale to select a text message in an appropriate cultural context without requiring the queries from the client to include the cultural context.

Contrary to the Examiner's assertion, *Mullaney* fails to show the claimed feature, "without requiring the queries from the client to include the cultural context" as claimed. The Examiner selectively cites to a section of *Mullaney* in support of the rejection, the section being as follows:

> A list of language databases residing on a computer system may be generated by querying the system.

Mullaney, col. 6, ll. 13-15.

To consider this statement from *Mullaney* in isolation is misleading. The statement is properly construed in light of the surrounding text, which Applicants quote from *Mullaney* as follows:

In alternative embodiments of system locale configuration 200, 300, a user is displayed 202, 208, 210 one or more additional screens 500, 600, 700, 800 in response to his or her language selection. The additional screens 500, 600, 700, 800 are locale dependent, and correspond to the language selected by the user. In UNIX, the additional screens may be accessed by temporarily setting the LANG and LC.sub.-- ALL variables in accordance with the user selected language. Additional screens 500, 600, 700, 800 are then retrieved from an appropriate language database, and allow a user to further customize system locale.
...
As preferably implemented, a user is allowed to opt 206 for language database removal by clicking a checkbox 508 in the locale selection screen 500 (See FIG. 5). The language database removal screen 600 is thereby avoided if a user only wishes to use system locale configuration for setting a single default locale. The language database removal screen 600 is preferably implemented as a dual transfer list 604, 606. In FIG. 6, languages to keep are listed in the left-hand list 604, and languages to remove are listed in the right-hand list 606. A list of language databases residing on a computer system may be generated by querying the system.

Mullaney, col. 5, ll. 26-45; col. 6, ll. 6-15.

In contrast with the Examiner's assertion, *Mullaney* discloses that the display of the screen 600 and the screen's contents are "in response to his or her language selection." The examiner asserts, "Querying the system takes place while the fixed condition is in effect," suggesting that the display of the list of language databases residing on a computer is generated without requiring the quer[y] from the client to include the cultural context, as recited in claim 1. This assertion is without basis or support in *Mullaney*, which expressly teaches that the display of the list is in response to the user's language selection. *Mullaney* states that the screen 600 will not be displayed at all "if a user wishes to use system locale configuration for setting a single default locale." By making this statement, *Mullaney* provides express contradiction to the Examiner's assertion that a fixed condition is in effect, because if a fixed condition, i.e., the single locale, is in fact in effect, the screen 600 and the list of language databases is not shown at all. Therefore, the Examiner assertion is incorrect, and in fact contradicted by *Mullaney*'s own disclosure. Therefore, *Mullaney* does not teach the claimed feature "without requiring the queries from the client to include the cultural context," and for this reason alone, does not anticipate claim 1.

Furthermore, the examiner cites a section from *Mullaney* and incorrectly assumed that the multilingual limitation of *Mullaney* is the cultural context as claimed. The claim recites "cultural context," a term that Applicants define in the specification as:

a cultural context including a country, time zone, age, or date may be used in place of a language.

Specification, p. 24, ll. 21-22.

By definition then, language and "cultural context" are separate concepts. Even if, *arguendo*, a fictitious reference discloses a method similar to the method of claim 1 but with respect to language, this

reference will have failed to disclose the method with respect to a cultural context. This is because, at best, language can be one of the <u>components</u> of a cultural context, as distinct from language being one and the same as the cultural context. As is evident from the specification, the cultural context includes numerous components, of which language may be one component. But disclosure of one component does not disclose the whole cultural context. Language may be one component of the cultural context; language is not one cultural context, and therefore use of language cannot anticipate use of cultural context. *Mullaney* only discloses a multilingual system offering language selection capabilities and none of the cultural context elements as defined. *Mullaney* offers no other factors in combination with the language that may be treated as being similar to the cultural context as claimed. For this additional reason, *Mullaney* does not anticipate claim 1.

Because *Mullaney* fails to disclose at least these two features of claim 1, namely, "without requiring the queries from the client to include the cultural context," and cultural context as defined, *Mullaney* does not anticipate the invention of claim 1. For the same reasons, *Mullaney* also does not anticipate claims 11 and 16. Additionally, by virtue of their dependence from claims 1, 11, and 16 respectively, *Mullaney* also does not anticipate claims 2-3, 5-6, 8, 12-13, and 17. Therefore, Applicants have overcome the Examiner's rejection of claims 1-3, 5-6, 8, 11-13, and 16-17 under 35 U.S.C. § 102(b).

III.B   As to claims 9-10, 14-15, and 18

The Examiner has rejected these claims stating:

> As per claims 9, 14, and 18, Mullaney teaches a method in a data processing system for accessing a database containing text messages, the method comprising:
> receiving a condition from a user to form a fixed condition (i.e. *"After a user selects a language option, his or her computer system may be configured to reawake in a corresponding locale, or alternatively, he or she may be presented with additional language/locale option screens which depend from the locale corresponding to the user selected language." The preceding text clearly indicates that the cultural ID, which is the value of the user selecting a language option is fixed based on the request, where once the user selects the language option, the computer system is reconfigured based on the corresponding locale.)(column 2, lines 30-35)*; maintaining the condition for the user with respect to queries to the database (i.e. *"After a user chooses a language from the language selection screen 400, a first embodiment of system locale configuration 100 configures 108 the computer system to awake, upon restart, in a locale corresponding to the user selected language. In UNIX, this is accomplished by setting the LANG and dtlogin*language variables in accordance with the user selected language. Restarting of the computer can be invoked either automatically or manually. " The preceding text clearly indicates that the user condition, which is the language chosen by the user, is maintained with the computer system, which includes a database.)(column 5, lines 17-24)*; and

responsive to receiving a query from the user after receipt of the request, processing the query using the fixed condition to select a text message without requiring the query to include the fixed condition (i.e. *"A list of language databases residing on a computer system may be generated by queiying the system. "The preceding text clearly indicates that a user submits a query request to the system to generate a list of language database, in which the list is the result of the processing of the query. Querying the system takes place while the fixed condition is in effect.)(column 6, lines 13-15).*

Office action dated February 24, 2006, pp. 6-7.

The arguments advanced below as applied to claim 9, are similarly applicable to the other claims in this group of claims 9-10, 14-15, and 18. Applicants distinguish the reference from claim 9, which recites:

A method in a data processing system for accessing a database containing text messages, the method comprising:
receiving a condition from a user to form a fixed condition;
maintaining the condition for the user with respect to queries to the database; and
responsive to receiving a query from the user after receipt of the request, processing the query using the fixed condition to select a text message without requiring the query to include the fixed condition.

As described in section III.A above, the Examiner's interpretation of *Mullaney*'s disclosure is incorrect. Contrary to the Examiner's assertion, *Mullaney* fails to show the claimed feature, "without requiring the queries from the client to include the fixed condition" as claimed. The relevant sections from *Mullaney* that are cited by the Examiner have been quoted in section III.A above.

As described in section III.A above, *Mullaney* discloses that the display of the screen 600 and the screen's contents are "in response to his or her language selection." The examiner asserts, "Querying the system takes place while the fixed condition is in effect," suggesting that the display of the list of language databases residing on a computer is generated without requiring the quer[y] from the client to include the fixed condition, as claimed. This assertion is without basis or support in *Mullaney*, which expressly teaches that the display of the list is in response to the user's language selection. *Mullaney* states that the screen 600 will not be displayed at all "if a user wishes to use system locale configuration for setting a single default locale." By making this statement, *Mullaney* provides express contradiction to the Examiner's assertion that a fixed condition is in effect, because if a fixed condition, i.e., the single locale, is in fact in effect, the screen 600 and the list of language databases is not shown at all. Therefore, the Examiner assertion is incorrect, and contradicted by *Mullaney*'s own disclosure. *Mullaney* does not teach the claimed feature "without requiring the queries from the client to include the fixed condition," and for this reason alone, does not anticipate claim 9.

Therefore, Applicants have overcome the Examiner's rejection of claims 9-10, 14-15, and 18

under 35 U.S.C. § 102(b).

IV   35 U.S.C. § 103, Obviousness

IV.A   As to Claim 4

The Examiner has rejected claim 4 under 35 U.S.C. § 103(a) as being obvious over *Mullaney* in view of

Conrad et al., Computerized system and process for interactively managing a distributed database system,

United States Patent 5,539,870 (issued, July 23, 1996) (hereinafter, "*Conrad*"). This rejection is

respectfully traversed.

The Examiner has rejected claim 4 stating:

> As per claim 4, Mullaney does not explicitly teach a method wherein multi-cultural text is stored in separate rows with a message ID and a cultural context ID.
> Conrad teaches a method wherein multi-cultural text is stored in separate rows with a message ID and a cultural context ID (i.e. *"For example, the table contains entries to define a relationship of TABLE 98 to VIEW 99 and TABLE 100 to AUTHS 101 by having two separate rows having TABLE as the object type with corresponding related object type entries of "VIEW" and "AUTHS work". There is further repetition for all of the applicable qualifiers to each object-related object pair." The preceding text clearly indicates that a multi-cultural text is a table entry and 'View' and 'Auths work' are message ID and a cultural context ID, respectively.)(column 8, lines 24-30).*
> It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Mullaney with the teachings of Conrad to a method wherein multi-cultural text is stored in separate rows with a message ID and a cultural context ID with the motivation to enable a manufacturer to produce a single
> computer system which can be purchases and readily used in a large number of foreign countries and locales. (Mullaney, column 1, lines 51-54).

Office action dated February 24, 2006, p. 9.

> Claim 4 recites:

> The method of claim 3, wherein multi-cultural text is stored in separate rows with a message ID and a cultural context ID.

IV.A.i   The Proposed Combination Does Not Teach all of the Features of Claim 4

The Examiner has failed to state a *prima facie* obviousness rejection because the proposed combination

does not teach all of the features of claim 4. A *prima facie* case of obviousness is established when the

teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art.

In re Bell, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). All limitations of the claimed

invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32

U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). In the case at hand, not all of the features of the claimed

invention have been considered and the teachings of the references themselves do not suggest the claimed

subject matter to a person of ordinary skill in the art.

Because *Mullaney* does not anticipate claim 1 as described in section III.A above, *Mullaney* also does not teach all features of claim 4, which depends from claim 1. Particularly, Applicants have shown that *Mullaney* does not teach at least two features of claim 1, and therefore at least two features of claim 4. These features are, "without requiring the queries from the client to include the cultural context," and cultural context as defined. *Conrad* does not cure these deficiencies in *Mullaney* and therefore cannot make obvious the invention of claim 4.

Conrad's entire disclosure fails to teach or suggest use of cultural context as claimed. *Conrad* is concerned with providing interactive graphical display of object relationships and instances by means of a table driven process. *Mullaney* is concerned with configuring system locale in a computer system. The claimed invention is concerned with processing database queries in a cultural context, without including the cultural context in the query, making the queries less complex. The purpose, method, and systems, as disclosed in *Conrad* are inconsistent with those disclosed in *Mullaney* as well as those disclosed in the present invention. *Conrad* does not cure *Mullaney's* shortcoming in teaching the invention of claim 1, and therefore, considered together with *Mullaney* cannot make obvious the invention of claim 4.

Therefore, the Examiner has failed to make a *prima facie* case of obviousness against claim 4 under 35 U.S.C. § 103.

IV.A.ii   The Examiner Has Not Stated a Proper Teaching, Suggestion or Motivation to Combine the References

In addition, the Examiner has failed to state a *prima facie* obviousness rejection against features of claim 4, because the Examiner has not stated a proper teaching, suggestion, or motivation to combine the references. Instead, the Examiner has only stated a proposed advantage to combining the references. However, an advantage proposed by the Examiner is not a teaching, suggestion, or motivation based on the prior art. To constitute a proper teaching, suggestion, or motivation, the Examiner must establish that one of ordinary skill would both recognize the advantage and have a reason to implement the advantage. For example, a first reference may disclose the use of lasers to achieve nuclear fusion. A second reference may disclose that ultra-high power lasers deliver more energy. One of ordinary skill may recognize that an ultra-high power laser would be more useful to achieve nuclear fusion, though one of ordinary skill would be motivated to avoid combining the references because of the extreme expense of ultra-high power lasers. In this example, one of ordinary skill is motivated to avoid implementing the

combination, even if he or she recognized the advantage, and so no teaching, suggestion, or motivation exists to combine the references.

In the case at hand, the Examiner has not provided a sufficient reason why one of ordinary skill would recognize the proposed advantage or have a reason to implement it. Instead, the Examiner points to features in the cited reference that give the Examiner motivation to combine them, rather than pointing to the motivation in the prior art. The Examiner states,

> It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Mullaney with the teachings of Conrad to a method wherein multi-cultural text is stored in separate rows with a message ID and a cultural context ID with the motivation to enable a manufacturer to produce a single computer system which can be purchases and readily used in a large number of foreign countries and locales. (Mullaney, column 1, lines 51-54).

Office action dated February 24, 2006, p. 9.

However, the proposed motivation does not actually exist because *Mullaney's* method discloses no desirability or need for providing a display of table driven object relationship as relates to distributed database systems. *Mullaney* is concerned with configuring locale information on a single, not distributed, computer system. *Conrad* discloses a table with rows indicating table-to-view or table-to-other-database-object-types in a distributed database system. The examiner cites the following section from Conrad in support of the rejection:

> For example, the table contains entries to define a relationship of TABLE 98 to VIEW 99 and TABLE 100 to AUTHS 101 by having two separate rows having TABLE as the object type with corresponding related object type entries of "VIEW" and "AUTHS work". There is further repetition for all of the applicable qualifiers to each object-related object pair.

Conrad, col. 8, ll. 24-30.

In the cited section, or the entire disclosure, *Conrad* discloses nothing with respect to system locale information stored in *Conrad*'s table in separate rows, which could be usable in *Mullaney*'s system. *Mullaney* provides a complete system and method for system locale configuration, and is not deficient in supporting that function. Because *Mullaney* is not lacking in this capability, *Mullaney's* existing disclosure vitiates any putative need for *Conrad's* teachings. For these reasons, the Examiner's statement fails to provide a proper teaching, suggestion, or motivation to combine the references. Accordingly, the Examiner has failed to state a *prima facie* obviousness rejection against claim 4.

IV.A.iii   No Teaching, Suggestion, or Motivation Exists to Combine the References
In addition, a *prima facie* obviousness rejection against features of claim 4, has not been made because no proper teaching or suggestion to combine the references exists in the references. A *prima facie* case of

obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). A proper *prima facie* case of obviousness cannot be established by combining the teachings of the prior art absent some teaching, incentive, or suggestion supporting the combination. *In re Napier*, 55 F.3d 610, 613, 34 U.S.P.Q.2d 1782, 1784 (Fed. Cir. 1995); *In re Bond*, 910 F.2d 831, 834, 15 U.S.P.Q.2d 1566, 1568 (Fed. Cir. 1990). No such teaching or suggestion is present in the cited references and the Examiner has not pointed out any teaching or suggestion that is based on the prior art.

The references themselves do not suggest the proposed advantage. In the present case, *Mullaney* has neither a need, nor an advantage in providing tools for interactive management of distributed database systems, while configuring a single computer's locale. Mullaney pertains to a single computer where a user is allowed to select a language without having to enter cryptic commands in a preset language. *Conrad*, on the other hand, discloses a distributed database environment where detailed view of database object interaction is facilitated by *Conrad*'s invention. Therefore, no need actually exists in *Mullaney*, to combine, or provide motivation to combine *Conrad* with *Mullaney* in order to configure system locale without the user having to enter cryptic commands in a preset language. Likewise, no need exists in *Conrad* to use *Mullaney*'s system to provide detailed view of database object interactions in distributed database environments. Accordingly, the Examiner has not actually stated a teaching or suggestion based on the references to combine the references. Instead, the Examiner has only put forth a hypothetical advantage of combining the references based on the Examiner's opinion rather than on a pre-existing teaching, suggestion, or motivation found in the references themselves. Thus, the Examiner has failed to state a *prima facie* obviousness rejection against claim 4.

IV.A.iv   No Teaching or Suggestion Exists To Combine the References Because Each Reference Represents a Complete Solution to the Problem That Each Solves

Both *Mullaney* and *Conrad* represent complete solutions to the problems presented in each reference. *Mullaney* teaches method for configuring system locale information on a computer system without the need for the user to enter cryptic commands in a language preset in the computer. *Mullaney* represents a complete solution for fashioning such a system. *Mullaney* has no need to address the problem of providing detailed view of distributed database object interactions for the reasons explained in section IV.A.iii above. On the other hand, *Conrad* shows a system for displaying detailed views of distributed database object interactions. *Conrad* represents a complete solution for fashioning such a system. *Conrad* has no disclosure touching upon configuring system locale aspects of *Mullaney*. Because each reference provides a complete solution to the problem that each reference represents and neither reference indicates that a system for displaying detailed view of object interactions in a distributed database can be used for configuring a computer's locale, or vice versa, one of ordinary skill would have no reason to

combine or otherwise modify the references. Accordingly, the Examiner has failed to state a *prima facie* obviousness rejection against claim 4.

IV.A.v   *Mullaney* and *Conrad* Would Not Be Combined By One of Ordinary Skill in the Art Because They Address Different Problems

One of ordinary skill would not combine the references to achieve the invention of claim 4, because the references are directed towards solving different problems. It is necessary to consider the reality of the circumstances--in other words, common sense--in deciding in which fields a person of ordinary skill would reasonably be expected to look for a solution to the problem facing the inventor. *In re Oetiker*, 977 F.2d 1443 (Fed. Cir. 1992); *In re Wood*, 599 F.2d 1032, 1036, 202 U.S.P.Q. 171, 174 (CCPA 1979). The cited references do not address the same problems.

In the case at hand, *Mullaney* shows an system for setting a computer's locale. *Mullaney* has no need to address the problem of providing detailed view of distributed database object interactions for the reasons explained in section IV.A.iii above. On the other hand, *Conrad* shows a system for displaying detailed views of distributed database object interactions. *Conrad* represents a complete solution for fashioning such a system. *Conrad* has no disclosure touching upon configuring system locale aspects of *Mullaney*. Furthermore, neither reference is in the area of endeavor of the claimed invention –

processing queries for retrieving data from a database in a cultural context, without including the cultural context in the queries.

Thus, the references address distinct problems that are unrelated to each other. Because the references address distinct problems, and each of these problems are further distinct from the problem of the claimed invention, one of ordinary skill would have no reason to combine or otherwise modify the references to achieve the claimed invention. Thus, one of ordinary skill in the art would not combine these references as proposed by the Examiner. Accordingly, the Examiner has failed to state a *prima facie* obviousness rejection against claim 4.

IV.B   As to Claim 7

The Examiner has rejected claim 7 under 35 U.S.C. § 103(a) as being obvious over *Mullaney* in view of *Brewster et al.*, Intelligent information routing system and method, United States Patent 6,539,538 (issued, March 25, 2003) (hereinafter, "*Brewster*"). This rejection is respectfully traversed.

The Examiner has rejected claim 7 stating:

> As per claim 7, Mullaney does not explicitly teach a method wherein the receiving step is located in one of a database engine and a command line parser.
> Brewster teaches a method wherein the receiving step is located in one of a database engine (i.e. *"ICRDB runs an SQL statement against the database engine which generates a record set of matches. The records are stored in an*

ICRHANDLE subclass and the handle is returned to the Script. ')(column 17, lines 58-60) and a command line parser (i.e. "The string parse utility 72 is used to perform string searches and to parse through alphanumeric and character-based data. "The preceding text clearly indicates that a string parse utility is a command-line parser.)(column 4, lines 9-20).

Office action dated February 24, 2006, pp. 9-10.

Claim 7 recites:

> The method of claim 1, wherein the receiving step is located in one of a database engine and a command line parser.

IV.B.i   The Proposed Combination Does Not Teach all of the Features of Claim 7

The Examiner has failed to state a *prima facie* obviousness rejection because the proposed combination does not teach all of the features of claim 7. Because *Mullaney* does not anticipate claim 1 as described in section III.A above, *Mullaney* also does not teach all features of claim 7, which depends from claim 1. Particularly, Applicants have shown that *Mullaney* does not teach at least two features of claim 1, and therefore at least two features of claim 7. These features are, "without requiring the queries from the client to include the cultural context," and cultural context as defined. *Brewster* does not cure these deficiencies in *Mullaney* and therefore cannot make obvious the invention of claim 7. *Brewster's* entire disclosure fails to teach or suggest use of cultural context as claimed. *Brewster* is concerned with providing intelligent information routing in telephony systems. *Mullaney* is concerned with configuring system locale in a computer system. The claimed invention is concerned with processing database queries in a cultural context, without including the cultural context in the query, making the queries less complex. The purpose, method, and systems, as disclosed in *Brewster* are inconsistent with those disclosed in *Mullaney* as well as those disclosed in the present invention. *Brewster* does not cure *Mullaney's* shortcoming in teaching the invention of claim 1, and therefore, considered together with *Mullaney* cannot make obvious the invention of claim 7.

Therefore, the Examiner has failed to make a *prima facie* case of obviousness against claim 7 under 35 U.S.C. § 103.

IV.B.ii   The Examiner Has Not Stated a Proper Teaching, Suggestion or Motivation to Combine the References

In addition, the Examiner has failed to state a *prima facie* obviousness rejection against features of claim 7, because the Examiner has not stated a proper teaching, suggestion, or motivation to combine the references. Instead, the Examiner has only stated a proposed advantage to combining the references. However, an advantage proposed by the Examiner is not a teaching, suggestion, or motivation based on the prior art, as described in section IV.A.ii above.

In the case at hand, the Examiner has not provided a sufficient reason why one of ordinary skill would

recognize the proposed advantage or have a reason to implement it. Instead, the Examiner points to features in the cited reference that give the Examiner motivation to combine them, rather than pointing to the motivation in the prior art. The Examiner states,

> It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Mullaney with the teachings of Brewster to include a method wherein the receiving step is located in one of a database engine and a command line parser with the motivation to enable a manufacturer to produce a single computer system which can be purchases and readily used in a large number of foreign countries and locales. (Mullaney, column 1, lines 51-54).

Office action dated February 24, 2006, p. 10.

However, the proposed motivation does not actually exist because *Mullaney's* method discloses no desirability or need for providing intelligent information routing in telephony systems. *Mullaney* is concerned with configuring locale information on a single computer system. The Examiner cites the following section from *Brewster* in support of the rejection:

> The string parse utility 72 is used to perform string searches and to parse through alphanumeric and character-based data. The file I/O utility 74 is invoked to access data in files within script storage system 68 and other storage systems accessible to the system 42.

Brewster, col. 4, ll. 15-19.

In the cited section, *Brewster* discloses a string parse utility to perform string searches, which the Examiner asserts as being the same as a command line parser as in the claimed feature "wherein the receiving step is located in one of a database engine and a command line parser." *Brewster*, however, offers no support to this assertion in the cited section or the entire disclosure. Nowhere in *Brewster's* entire disclosure does *Brewster* teach or suggest that the string parsing utility is a command line parser, i.e., a utility capable of being executed from the command line prompt of the operating system. Furthermore, *Brewster* discloses nothing with respect to configuring a system's locale using *Brewster's* string parse utility that would be usable in *Mullaney's* system. More generally, *Brewster* fails to disclose anything about configuring a system's locale using *Brewster's* method for routing information in a telephony system. *Mullaney* provides a complete system and method for system locale configuration, and is not deficient in supporting that function. Because *Mullaney* is not lacking in this capability, *Mullaney's* existing disclosure vitiates any putative need for *Brewster's* teachings. For these reasons, the Examiner's statement fails to provide a proper teaching, suggestion, or motivation to combine the references. Accordingly, the Examiner has failed to state a *prima facie* obviousness rejection against claim 7.

IV.B.iii   No Teaching, Suggestion, or Motivation Exists to Combine the References

In addition, a *prima facie* obviousness rejection against features of claim 7, has not been made because no proper teaching or suggestion to combine the references exists in the references. In making this rejection

the Examiner has not pointed out any teaching or suggestion that is based on the prior art. The references themselves do not suggest the proposed advantage. In the present case, *Mullaney* has neither a need, nor an advantage in providing for intelligent routing of information in a telephony system, while configuring a single computer's locale. Mullaney pertains to a single computer where a user is allowed to select a language without having to enter cryptic commands in a preset language. *Brewster*, on the other, discloses a telephony system where information received from a link interface in a telephony system is routed based on a script interpreter engine's action. Therefore, no need actually exists in *Mullaney*, to combine, or provide motivation to combine *Brewster* with *Mullaney* to configure system locale without the user having to enter cryptic commands in a preset language. Likewise, no need exists in *Brewster* to use *Mullaney*'s system to route information received from a link interface, based on a script interpreter engine's action. Accordingly, the Examiner has not actually stated a teaching or suggestion based on the references to combine the references. Instead, the Examiner has only put forth a hypothetical advantage of combining the references based on the Examiner's opinion rather than on a pre-existing teaching, suggestion, or motivation found in the references themselves. Thus, the Examiner has failed to state a *prima facie* obviousness rejection against claim 7.

IV.B.iv   No Teaching or Suggestion Exists To Combine the References Because Each Reference Represents a Complete Solution to the Problem That Each Solves

Both *Mullaney* and *Brewster* represent complete solutions to the problems each solves. *Mullaney* shows method for configuring system locale information on a computer system without the need for the user to enter cryptic commands in a language preset in the computer. *Mullaney* represents a complete solution for fashioning such a system. *Mullaney* has no need to address the problem of routing information received from a link interface in a telephony system, based on a script interpreter engine's action, for the reasons explained in section IV.B.iii above. On the other hand, *Brewster* shows a system for routing information received from a link interface in a telephony system, based on a script interpreter engine's action. *Brewster* represents a complete solution for fashioning such a system. *Brewster* has no disclosure touching upon configuring system locale aspects of *Mullaney*. Because each reference provides a complete solution to the problem that each reference represents and neither reference indicates that a system for routing information in a telephony system can be used for configuring a computer's locale, or vice versa, one of ordinary skill would have no reason to combine or otherwise modify the references. Accordingly, the Examiner has failed to state a *prima facie* obviousness rejection against claim 7.

IV.B.v   *Mullaney* and *Brewster* Would Not Be Combined By One of Ordinary Skill in the Art Because They Address Different Problems

Similar to the argument advanced in section IV.A.iv above, one of ordinary skill would not combine the

references to achieve the invention of claim 7, because the references are directed towards solving different problems.

In the case at hand, *Mullaney* shows a system for setting a computer's locale. *Mullaney* has no need to address the problem of providing intelligent routing of information in a telephony system for the reasons explained in section IV.A.iii above. On the other hand, *Brewster* shows a system for routing information received from a link interface in a telephony system, based on a script interpreter engine's action. *Brewster* represents a complete solution for fashioning such a system. *Brewster* has no disclosure touching upon configuring system locale aspects of *Mullaney*. Furthermore, neither reference is in the area of endeavor of the claimed invention – processing queries for retrieving data in a cultural context from a database without including the cultural context in the queries.

Thus, the references address distinct problems that are unrelated to each other. Because the references address distinct problems, and each of these problems are further distinct from the problem of the claimed invention, one of ordinary skill would have no reason to combine or otherwise modify the references to achieve the claimed invention. Thus, one of ordinary skill in the art would not combine these references as proposed by the Examiner. Accordingly, the Examiner has failed to state a *prima facie* obviousness rejection against claim 7.

IV.C   As to Claim 19

The Examiner has rejected claim 19 under 35 U.S.C. § 103(a) as being obvious over *Mullaney* in view of *Hetherington et al.*, Method, system and data structure for splitting language and locale properties in a data processing system, United States Patent 6,339755 B1 (issued, January 15, 2002) (hereinafter, "*Hetherington*"). This rejection is respectfully traversed.

The Examiner has rejected claims 19 stating:

> As per claim 19, Mullaney teaches a data processing system comprising: the processing unit executes the set of instructions, to receive a request from a client to set a cultural context from the plurality of cultural contexts for the database (i.e. *"The language selection screen comprises a number of language options, one of which may be selected by the computer user."The preceding text clearly indicates that a computer user is the client, the request is the user selecting an option, and the plurality of cultural contexts is the number of language options.)(column 2, lines 21-23)* and process the queries using the locale to select a text message in an appropriate cultural context in response to receiving queries from the client, without requiring the queries from the client to include the cultural context (i.e. *"A list of language databases residing on a computer system may be generated by querying the system." The preceding text clearly indicates that a user submits a query request to the system to generate a list of language database, in which the list is the result of the processing of the query. Querying the system takes place while the fixed condition is in effect.)(column 6, lines 13-15).*

Mullaney does not explicitly teach a data processing system comprising: a bus system; a memory connect to the bus system, wherein the memory includes a set of instruction.

Hetherington teaches a data processing system comprising: a bus system; a memory connect to the bus system, wherein the memory includes a set of instruction.

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Mullaney with the teachings of Hetherington to include a data processing system comprising: a bus system; a memory connect to the bus system, wherein the memory includes a set of instruction with the motivation to enable a manufacturer to produce a single computer system which can be purchases and readily used in a large number of foreign countries and locales. (Mullaney, column 1, lines 51-54).

Office action dated February 24, 2006, pp. 10-11.

Claim 19 recites:

A data processing system comprising:
a bus system;
a memory connected to the bus system, wherein the memory includes a set of instructions; and
a processing unit connected to the bus system, wherein the processing unit executes the set of instructions, to receive a request from a client to set a cultural context from the plurality of cultural contexts for the database and process the queries using the locale to select a text message in an appropriate cultural context in response to receiving queries from the client, without requiring the queries from the client to include the cultural context.

The Proposed Combination Does Not Teach all of the Features of Claim 19

The Examiner has failed to state a *prima facie* obviousness rejection because the proposed combination does not teach all of the features of claim 19. Because *Mullaney* does not anticipate claim 1 as described in section III.A above, *Mullaney* also does not teach all features of claim 19, which is a claim to a data processing system implementing the method of claim 1. Particularly, Applicants have shown that *Mullaney* does not teach at least two features of claim 1, and therefore at least two features of claim 19. These features are, "without requiring the queries from the client to include the cultural context," and cultural context as defined. *Hetherington* does not cure these deficiencies in *Mullaney* and therefore cannot make obvious the invention of claim 19.

Hetherington's entire disclosure fails to teach or suggest use of cultural context in database queries as claimed. *Hetherington* is concerned with providing a method for <u>separating</u> language and locale properties in a data processing system. *Mullaney* is concerned with <u>configuring</u> system locale in a computer system. The claimed invention is concerned with processing database queries in a cultural context, without including the cultural context in the query, making the queries less complex. *Hetherington* does not cure *Mullaney's* shortcoming in teaching the invention of claim 1, and therefore,

considered together with *Mullaney* cannot make obvious the invention of claim 19.

Therefore, the Examiner has failed to make a *prima facie* case of obviousness against claim 19 under 35 U.S.C. § 103.

IV.D As to Claim 20

The Examiner has rejected claim 20 under 35 U.S.C. § 103(a) as being obvious over *Mullaney* in view of *Hetherington*. This rejection is respectfully traversed.

The Examiner has rejected claim 20 stating:

> As per claim 20, Mullaney teaches a data processing system comprising: the processing unit executes the set of instructions to receive a condition from a user to form a fixed condition (i.e. *"After a user selects a language option, his or her computer system may be configured to rea wake in a corresponding locale, or alternatively, he or she may be presented with additional language/locale option screens which depend from the locale corresponding to the user selected language."* The preceding text clearly indicates that the cultural ID, which is the value of the user selecting a language option is fixed based on the request, where once the user selects the language option, the computer system is reconfigured based on the corresponding locale.)(column 2, lines 30-35), maintain the condition for the user with respect to queries to the database (i.e. *"After a user chooses a language from the language selection screen 400, a first embodiment of system locale configuration 100 configures 108 the computer system to awake, upon restart, in a locale corresponding to the user selected language. In UNIX, this is accomplished by setting the LANG and dtlogin*language variables in accordance with the user selected language. Restarting of the computer can be invoked either automatically or manually."* The preceding text clearly indicates that the user condition, which is the language chosen by the user, is maintained with the computer system, which includes a database.)(column 5, lines 17-24) and process the query using the fixed condition to select a text message in response to receiving a query from the user after receipt of the request, without requiring the query to include the fixed condition(i.e. *"A list of language databases residing on a computer system may be generated by querying the system."* The preceding text clearly indicates that a user submits a query request to the system to generate a list of language database, in which the list is the result of the processing of the query. Querying the system takes place while the fixed condition is in effect.)(column 6, lines 13-15).
>
> Hetherington teaches a data processing system comprising: a bus system; a memory connect to the bus system, wherein the memory includes a set of instruction. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of <> with the teachings of Hetherington to include a data processing system comprising: a bus system; a memory connect to the bus system, wherein the memory includes a set of instruction with the motivation to enable a manufacturer to produce a single computer system which can be purchases and readily used in a large number of foreign countries and locales. *(Mullaney, column 1, lines 51-54).*

Office action dated February 24, 2006, pp. 11-12

Claim 20 recites:

> A data processing system comprising:
> a bus system;
> a memory connected to the bus system, wherein the memory includes a set of instructions; and
> a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to receive a condition from a user to form a fixed condition, maintain the condition for the user with respect to queries to the database and process the query using the fixed condition to select a text message in response to receiving a query from the user after receipt of the request, without requiring the query to include the fixed condition.

The Proposed Combination Does Not Teach all of the Features of Claim 20

The Examiner has failed to state a *prima facie* obviousness rejection because the proposed combination does not teach all of the features of claim 20. Because *Mullaney* does not anticipate claim 9 as described in section III.B above, *Mullaney* also does not disclose all features of claim 20, which is a claim to a data processing system implementing the method of claim 9. Particularly, Applicants have shown that *Mullaney* does not disclose at least one feature of claim 9, and therefore at least one feature of claim 20. The feature of claim 9 that is not taught by Mullaney is, "without requiring the query to include the fixed condition." *Hetherington* does not cure this deficiency in *Mullaney* and therefore cannot make obvious the invention of claim 20.

Hetherington's entire disclosure fails to teach or suggest processing a query using a fixed condition without including the fixed condition in the query, as claimed. *Hetherington* is concerned with providing a method for separating language and locale properties in a data processing system. *Mullaney* is concerned with configuring system locale in a computer system. The claimed invention is concerned with processing database queries to select text message using a fixed condition from a database, without including the fixed condition in the query, making the queries less complex. *Hetherington* does not cure *Mullaney's* shortcoming in teaching the invention of claim 9, and therefore, considered together with *Mullaney* cannot make obvious the invention of claim 20.

Therefore, the Examiner has failed to make a *prima facie* case of obviousness against claim 20 under 35 U.S.C. § 103.
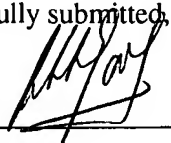
V   Conclusion

It is respectfully urged that the subject application is patentable over *Mullaney*, in view of *Conrad,*
Brewster and *Hetherington*, and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of
the examiner such a telephone conference would expedite or aid the prosecution and examination of this
application.

DATE: May 22, 2006

Respectfully submitted,

Rakesh Garg
Reg. No. 57,434
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Agent for Applicant

AUS920030697US1
McArdle
Method and Apparatus for Enabling National
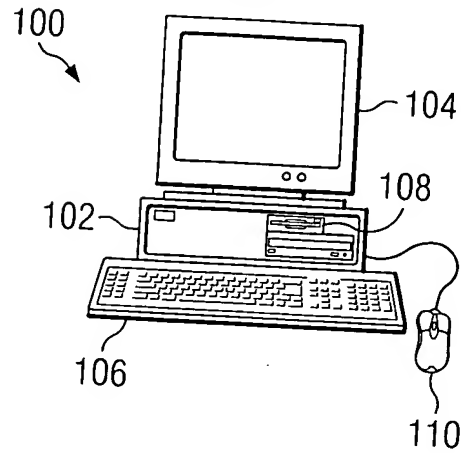Language Support of a Database Engine
1/5

FIG. 1

FIG. 2